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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,693	08/11/2003	Perry Wade Schoneboom	23077-00002	1692

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/604,693	SCHONEBOOM, PERRY WADE	
	Examiner	Art Unit	
	Jon A Szumny	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 12-14, 19-25 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 15-18, 26, 27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This is the third office action for application number 10/604,693, Support Bracket, filed on August 11, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

Claims 4, 5, 12, 13, 14, 19-25 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 11, 2004.

Claim Objections

Claim 26 is objected to because of the following informalities:

In lines 8-9, it appears “to said load supporting member” should be removed since it was previously recited in line 7 that “each bracket being connected to said load supporting member at a point displaced from said first end”; hence, it appears the language “to said load supporting member” has been doubly included.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

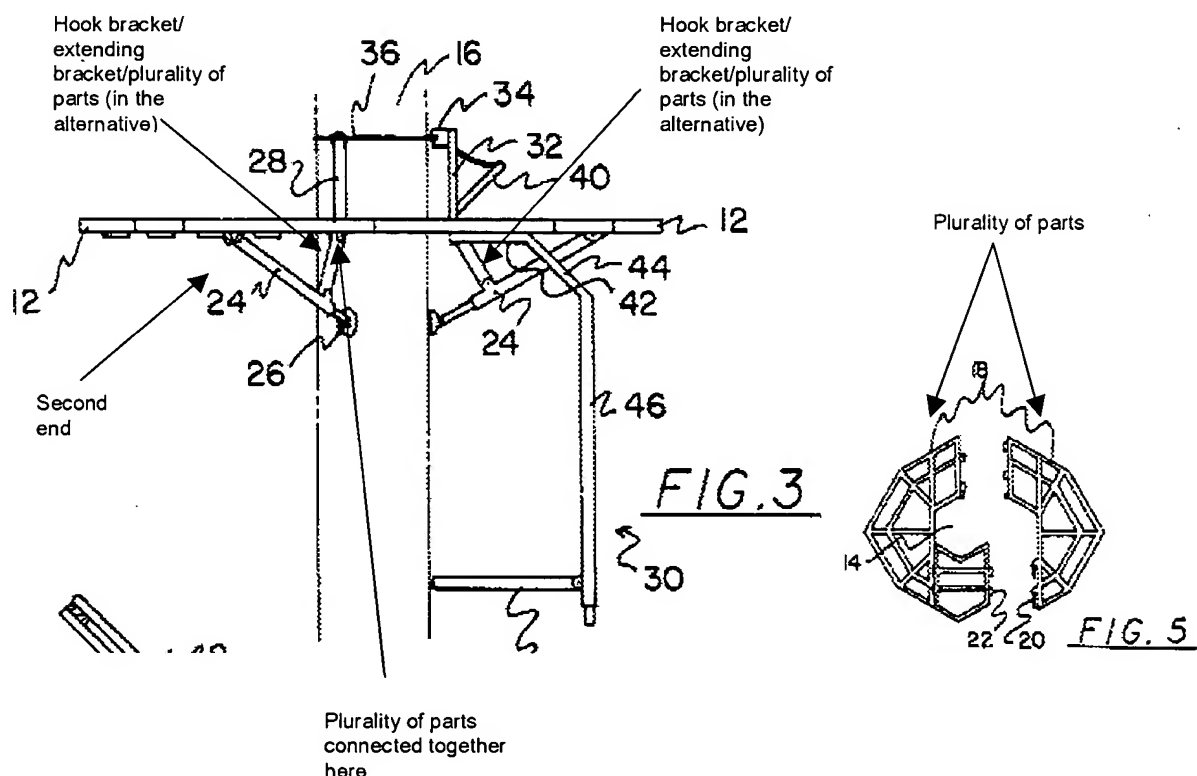
Claims 11, 15-18 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 15 recite the limitation "said at least one mounting bracket" in lines 3 and 2, respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 27 repeats subject matter already claimed in the beginning of claim 26.

Claim Rejections - 35 USC § 102

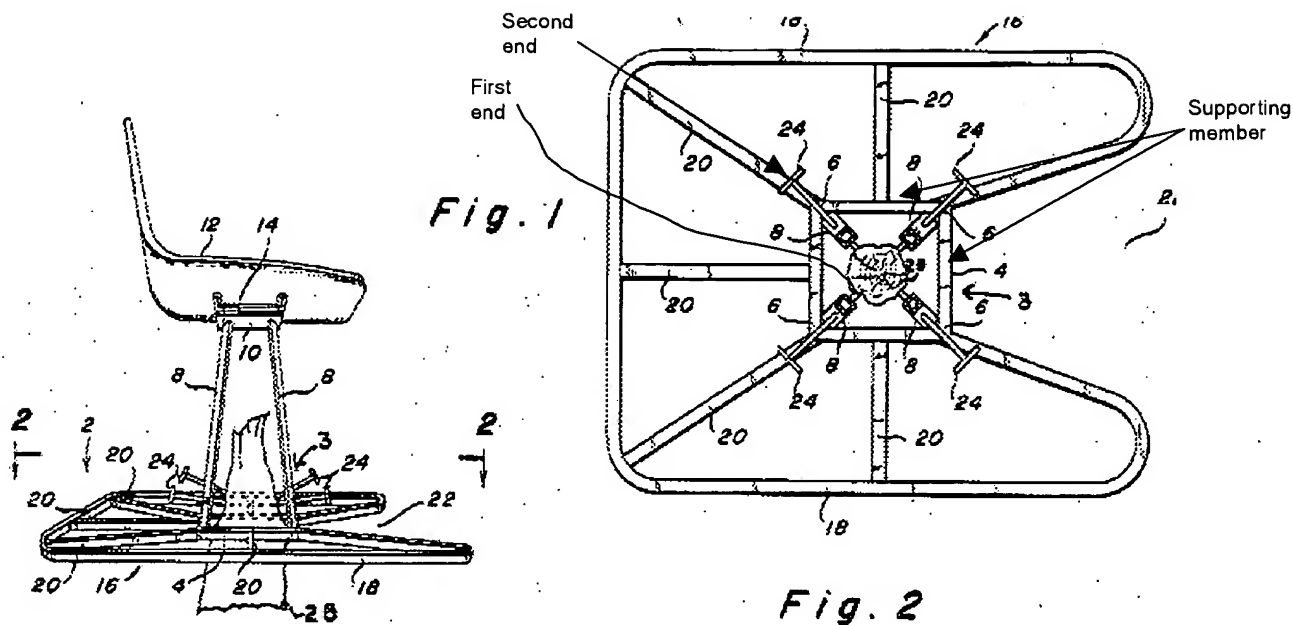
Claims 1, 2, 6-8, 10, 11, 15, 16, 26, 27, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,853,066 to Gohn.



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Gohn '066 discloses a bracket assembly (above) comprising a plurality of mounting brackets (24) each having a first end (near 26) adapted to be secured to a vertically extending object having an outer perimeter, and a second end (above) adapted to be mounted in a position horizontally spaced away from the outer perimeter, the second end including means (there is inherently some means) for supporting a hanging item (inherently some item could be hung from the second end), the mounting brackets adapted to be spaced around the perimeter, and a load supporting member (18) adapted to be positioned encircling and spaced a horizontal distance around the object, the load supporting member being connected to each of the mounting brackets and vertically displaced from the first ends thereof, wherein the load supporting member comprises a plurality of parts connected together, wherein the mounting brackets are adjustably connected to the supporting member, wherein hook brackets (above; a "hook bracket" is also a "bracket for a hook" and inherently the "hook bracket" above could be used with a hook, thus, this is a "hook bracket") connects each of the mounting brackets to the supporting member, wherein the hook brackets are adjustably connected to the mounting brackets, wherein the mounting brackets are forced against an object when an item is hung from the supporting member/bracket assembly, wherein the supporting member includes at least one extending bracket (above) connected to the mounting bracket, wherein the mounting bracket includes a holding member/protrusion (26, generally), wherein the first end of the mounting brackets are below the supporting member, wherein each bracket is connected to the load supporting member at a point displaced from the first end.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,290,504 to Cuba.



Cuba '504 discloses a bracket assembly (above) comprising a plurality of mounting brackets (24) each having a first end (above) adapted to be secured to a vertically extending object having an outer perimeter, and a second end (above) adapted to be mounted in a position horizontally spaced away from the outer perimeter, the second end including means (there is inherently some means) for supporting a hanging item (inherently some item could be hung from the second end), the mounting brackets adapted to be spaced around the perimeter, and a load supporting member (above) adapted to be positioned encircling and spaced a horizontal distance around the object, the load supporting member being connected to each of the mounting brackets and vertically displaced from the first ends thereof (see figure 1).

Claim Rejections - 35 USC § 103

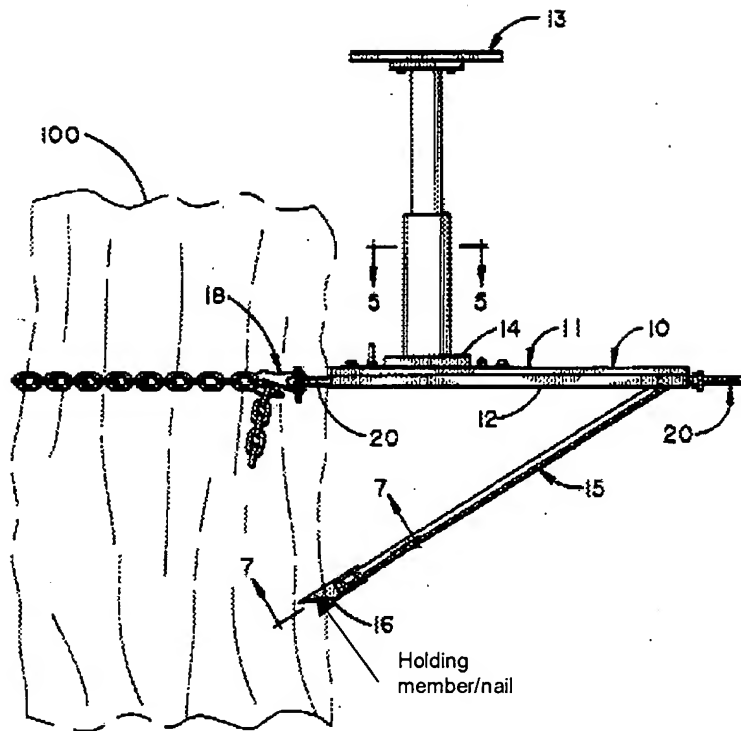
Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gohn '066 in view of Riblet '293.

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Regarding claim 3, Gohn '066 teaches the previous invention wherein the supporting member includes a plurality of parts (see above, additionally includes those in the alternative) connected together (above, pivotally), but fails to specifically teach the plurality of parts to be threadably connected. Nevertheless, Riblet '293 teaches the well-known concept of pivotally attaching two members via a threaded connection (column 2, lines 64-65, "bolt" is inherently threaded). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have *threadably* connected the plurality of parts since doing so is a well known method in the art to pivotally connect two objects in addition to allowing for the objects to be quickly detached for repair or replacement.

With respect to claim 9, Gohn '066 teaches the previous invention wherein each hook bracket is pivotally connected to the supporting member, but fails to specifically teach each hook bracket to be threadably connected to the supporting member. Nevertheless, Riblet '293 teaches the well-known concept of pivotally attaching two members via a threaded connection (column 2, lines 64-65, "bolt" is inherently threaded). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have *threadably* connected the hook brackets to the supporting member since doing so is a well known method in the art to pivotally connect two objects in addition to allowing for the objects to be quickly detached for repair or replacement.

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuba '504 in view of Miller '974.



Cuba '504 reveals the previous invention failing to specifically teach the mounting bracket(s) to include a holding member adapted to contact the vertical object that includes a nail. Nevertheless, Miller '974 teaches a bracket assembly comprising at least one mounting bracket, and a supporting member connected to the mounting bracket, wherein the mounting bracket includes a holding member/nail (above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a holding member/nail on the mounting bracket(s) of Cuba '504 as in Miller '974 so as to provide for superior mounting of the mounting brackets on a vertically extending object.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gohn '066 in view of Miller, Jr. '896.

Gohn '066 reveals the previous invention failing to specifically teach the holding member to include a rubber pad. Nevertheless, Miller, Jr. '896 discloses a bracket assembly comprising at

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least one mounting bracket, and a supporting member connected to the mounting bracket, wherein the mounting bracket includes a holding member/rubber pad (see column 2, line 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the holding member of Gohn '066 to be a rubber pad as in Miller '974 so as to provide for superior mounting of the mounting brackets on a vertically extending object while preventing marring of the vertically extending object.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gohn '066 in view of U.S. Patent number 6,725,972 to Krier et al.

Gohn '066 discloses the previous invention failing to specifically teach the first ends of the mounting brackets to each include a tooth adapted to contact the object. Nevertheless, Krier et al. '972 teaches a bracket assembly comprising a mounting bracket and a load supporting member, wherein the first end of the mounting bracket includes a tooth (9, generally), adapted to contact an object. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first end of the mounting brackets of Gohn '066 to have a tooth as in Krier et al. '972 so as to provide for superior mounting of the mounting brackets to the vertically extending object.

Response to Arguments

Applicant's arguments filed January 14, 2005 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-3, 6-11, 15-18, 26, 27 and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

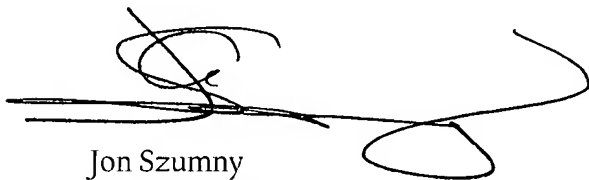
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403 and (571) 272-6824 after April 7, 2005. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is

(703) 308-1113 and (571) 272-3600 after April 7, 2005.

A handwritten signature in black ink, appearing to be 'Jon Szumny', written over a horizontal line.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
March 29, 2005